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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,225	02/17/2004	Kenji Kuwabara	P/1905-108	9481
2352 7590 03/21/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
WOOD, WILLIAM H				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,225

**Applicant(s)**

KUWABARA ET AL.

**Examiner**

William H. Wood

**Art Unit**

2193

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-2, 4-11 and 13-15 are pending and have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 4-11 and 13-15 are rejected under 35 U.S.C. 102(a) as being anticipated by **Martin** (US 6,438,746 B1).

#### *Claim 1*

**Martin** disclosed a method of converting a software program for a single processor to a software program for a multiprocessor, comprising the steps of:

allocating a source file to each processor by an object file unit (*column 1, lines 55-62; and column 2, lines 14-38*); and

preparing an execute form program for operating software running on a single memory space on the multiprocessor for each processor (*column 1, lines 55-62; and column 2, lines 14-38*)

exception processing for a refer requestor, by detecting an occurrence of a refer request to variables arranged on a memory space managed by another

processor during running of the executable form program (*column 9, lines 26-33, "same memory space"; column 10, lines 30-49, "concurrent accesses to data"; column 2, lines 14-38, "distributed processing on a plurality of host computers";* and

sending the refer request to a requested processor (*column 9, lines 26-33; column 10, lines 30-49, "concurrent accesses to data";*

returning refer results, by the requested processor referring to the variables, to the refer requester processor (*column 9, lines 26-33, "same memory space"; column 10, lines 30-49*), and

emulation-executing by the refer requester processor a variable refer command from the returned results to return to the next command from the exception processing (*column 9, lines 26-33; column 10, lines 30-49*).

#### Claim 2

**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1, further comprising the step of:

disposing the execute form program mounted on the memory space to be managed by each processor in such a manner that addresses are prevented from being duplicated among the processors (*column 9, lines 13-16*).

#### Claim 4

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**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1 or 2, wherein the refer request is a write request for writing into the variables (*column 9, lines 26-33; column 10, lines 30-49*).

Claim 5

**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 4, wherein the requested processor returns as write results the returned refer results to the refer request processor (*column 9, lines 26-33; column 10, lines 30-49*).

Claim 6

**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 1 or 2, wherein the refer request is a call request for functions arranged on the memory space managed by the other processor, and the refer requester processor emulation-executes a function call command from the returned refer results (*column 9, lines 26-33; column 10, lines 30-49; column 7, lines 12-26, "call" object*).

Claim 7

**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 3, further comprising: communication between the processors in which communication including processing request transmission and processing result return via the exception processing is possible (*column 11, lines 40-41*).

Claim 8

**Martin** disclosed a cellular phone in which the software program for the multiprocessor converted by the method according to claim 1 is installed (*column 3, line 42*).

Claim 9

**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 4, further comprising: communication between the processors in which communication including processing request transmission and processing result return via the exception processing is possible (*column 11, lines 40-41*).

Claim 10

**Martin** disclosed the method of converting the software program for the single processor to the software program for the multiprocessor according to claim 5, further comprising: communication between the processors in which

communication including processing request transmission and processing result return via the exception processing occurs (*column 11, lines 40-41*).

*Claims 11 and 13-15*

**Martin** disclosed a cellular phone in which the software program for the multiprocessor converted by the method according to claim 2 is installed (*column 3, line 42*).

***Response to Arguments***

Applicant's arguments filed 26 December 2007 have been fully considered but they are not persuasive. Applicant argues **Martin** does not disclose exception processing during runtime of the executable form program and a refer request to variables arranged on a memory space managed by another processor.

In view of the above rejections, **Martin** is shown to demonstrate "exception processing" of refer requests (*column 10, lines 30-49, "concurrent accesses to data"*), by multiple sources or memory spaces acting as a single memory space (*column 9, lines 26-33, "same memory space"; column 2, lines 14-38, "distributed processing on a plurality of host computers"*). This occurs as the program (produced by the compiler) executes (runtime). Therefore, the rejections are maintained as indicated.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/  
William H. Wood  
Primary Examiner, Art Unit 2193  
March 27, 2008